

1 BILL LOCKYER, Attorney General
2 of the State of California
3 JEANNE C. WERNER, State Bar No. 93170
4 Deputy Attorney General
5 California Department of Justice
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9 Attorneys for Complainant

10 **BEFORE THE**
11 **CALIFORNIA BOARD OF ACCOUNTANCY**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. AC-2005-20

15 KPMG Peat Marwick, LLP
16 725 South Figueroa Street
17 Los Angeles, CA 90071
18 CPA Partnership Certificate No. PAR 157

**STIPULATED SURRENDER OF
LICENSE AND ORDER IN RE:
ROLAND WILLIAM CARROLL JR.
CPA NO. CPA 14338**

19 Bryan E. Palbaum
20 800 South Shamrock Avenue
21 Monrovia, CA 91016
22 Certified Public Accountant
23 Certificate No. CPA 51655

24 John Ming Wong
25 6252 Forester Drive
26 Huntington Beach, CA 92648
27 Certified Public Accountant
28 Certificate No. CPA 45405

Kenneth B. Janeski
355 So. Grand Avenue
Los Angeles, CA 90071
Certified Public Accountant
Certificate No. CPA 20116

David Akio Hori
400 E. Van Buren Street
Phoenix, AZ 85004
Certified Public Accountant
Certificate No. CPA 68236

Roland William ("Bill") Carroll, Jr.
540 San Geronio Street
San Diego, CA 92106
Certified Public Accountant
Certificate No. CPA 14338,

Respondents.

In the interest of a prompt settlement of this matter, consistent with the public interest and

1 the responsibilities of the California Board of Accountancy of the Department of Consumer
2 Affairs, the parties hereby agree to the following Stipulated Surrender and Order which will be
3 submitted to the Board for approval and adoption as the final disposition of the Accusation filed
4 herein as it relates to Respondent Roland William ("Bill") Carroll, Jr. (Case No. 2005-20).

5 **PARTIES AND JURISDICTION**

6 1. Carol Sigmann, Complainant, is the Executive Officer of the California Board of
7 Accountancy (the "Board"). She brought this action solely in her official capacity and is
8 represented in this matter by Bill Lockyer, Attorney General of the State of California, and by
9 Jeanne C. Werner, Deputy Attorney General.

10 2. On or about January 24, 1969, the Board issued Certified Public Accountant
11 Certificate No. CPA 14338 to Roland William ("Bill") Carroll, Jr. ("Respondent Carroll"). The
12 certificate is renewed in an inactive status through May 31, 2005, and has not been the subject of
13 prior Board discipline. Respondent Carroll is represented in this proceeding by attorney
14 Matthew W. Powell of Wilke, Fleury, Hoffelt, Gould & Birney LLP, Sacramento, California.

15 3. The term "Accusation" refers to the Accusation on file in Board Case Nos. AC-
16 2005-13 through AC 2005-17 and AC 2005-20 but as used herein refers only to the charges
17 against Respondent Carroll. Similarly, this stipulation addresses all charges and matters in the
18 Accusation as they relate to Respondent Carroll, and does not purport to deal with other
19 respondents. This stipulation bears Board Case No. AC-2005-20.

20 4. The Accusation was filed before the Board, and Case No. AC-2005-20 is currently
21 pending against Respondent Carroll. The Accusation and all other statutorily required
22 documents were properly served on Respondent Carroll and Respondent timely filed his Notice
23 of Defense contesting the Accusation. A copy of the Accusation is attached as Exhibit A and
24 incorporated herein by reference. The parties stipulate that the Board has jurisdiction in this
25 matter.

26 **WAIVERS & CONTINGENCY**

27 5. Respondent Carroll has carefully read, fully discussed with counsel, and
28 understands the charges and allegations in the Accusation as they apply to him in Case No.

1 AC-2005-20. Respondent has also carefully read, fully discussed with counsel, and understands
2 the effects of, this Stipulated Surrender of License and Order.

3 6. Respondent is fully aware of his legal rights in this matter, including the right to a
4 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
5 his own expense; the right to confront and cross-examine the witnesses against him; the right to
6 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to
7 compel the attendance of witnesses and the production of documents; the right to reconsideration
8 and court review of an adverse decision; and all other rights accorded by the California
9 Administrative Procedure Act and other applicable laws. Respondent voluntarily, knowingly,
10 and intelligently waives and gives up each and every right set forth above.

11 7. It is understood that in signing this stipulation rather than further contesting the
12 Accusation, Respondent Carroll is voluntarily consenting to the adoption of this Stipulated
13 Surrender and Order as the Board's Decision in Case No. 2005-20, enabling the Board to issue
14 the following order without further legal process. Respondent Carroll represents that no tender,
15 offer, promise, threat or inducement of any kind whatsoever have been made by the Board or any
16 member, officer, agent or representative thereof in consideration of this offer or otherwise to
17 induce him to so consent.

18 8. This stipulation shall be subject to approval by the Board. Respondent Carroll
19 understands and agrees that counsel for Complainant and the staff of the Board may
20 communicate directly with the Board regarding this stipulation and settlement, without notice to
21 or participation by Respondent or his counsel. By signing the stipulation, Respondent
22 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
23 prior to the time the Board considers and acts upon it.

24 9. If the Board does not adopt this stipulation as its Decision and Order, the
25 Stipulated Surrender shall be withdrawn. It shall be of no force or effect, except for this
26 paragraph. It shall have no evidentiary value, shall be inadmissible in any legal action between
27 the parties, and shall not be relied upon or introduced in any disciplinary, or other, action or
28 proceeding by either party hereto. In the event that the Stipulated Surrender is not adopted,

1 nothing recited herein shall be construed as a waiver of Respondent's right to a hearing on the
2 truth of the Accusation's charges, or a waiver of any other right, including those rights expressly
3 waived in the Stipulated Surrender. Communications pursuant to this paragraph, and
4 consideration of this matter, shall not disqualify the Board or other persons from future
5 participation in this or any other matter affecting Respondent. Respondent agrees that should the
6 Board reject the Stipulated Surrender and if this case proceeds to hearing, Respondent will assert
7 no claim that the Board was prejudiced by its review and discussion of the Stipulated Surrender
8 or of any records related hereto. In the event that the Stipulated Settlement is not adopted,
9 Respondent is not precluded from filing a Special Notice of Defense within fifteen days of his
10 counsel being notified in writing that the Stipulated Settlement was not adopted.

11 **ADMISSIONS AND FURTHER STIPULATIONS BETWEEN THE PARTIES**

12 10. Solely for the purpose of resolving the charges and allegations in the Accusation
13 as they relate to him (Board Case No. AC-2005-20) without further proceedings, Respondent
14 agrees that, at a hearing, Complainant could establish a factual basis for the charges in the
15 Accusation as they relate to him, and that those charges, if proven, would constitute cause for
16 discipline of his CPA license. Respondent does not admit the charges, but he hereby gives up
17 his right to contest those charges for purposes of resolving these proceedings. However,
18 Respondent agrees that, as provided herein in paragraph 2 of the Order, should Respondent apply
19 for licensure, the charges will be deemed admitted.

20 11. Respondent understands that by signing this stipulation he enables the Board to
21 issue an order accepting the surrender of his CPA Certificate without further process. The
22 surrender of the CPA Certificate, and the acceptance of the surrendered license by the Board,
23 constitutes the imposition of discipline against Respondent Carroll. This stipulation constitutes a
24 record of the discipline and shall become a part of Respondent's license history with the Board.
25 Upon acceptance of Respondent's license surrender by the Board according to the terms of this
26 stipulation, the license will be canceled.

27 12. Respondent agrees not to take any action or make any public statement that
28 creates, or tends to create, the impression that any of the matters set forth in the Stipulated

1 Surrender, Order and Decision are without a factual basis. It is not the intent of the Board,
2 however, to prevent Respondent from testifying or responding truthfully in civil litigation or
3 regulatory matters, including where he is required to do so by any court of law or regulatory
4 body.

5 13. The parties understand and agree that facsimile copies of this Stipulated Surrender
6 and Order, including facsimile signatures thereto, shall have the same force and effect as the
7 originals.

8
9 **IN CONSIDERATION OF THE FOREGOING** stipulations, the parties agree that the
10 Board may, without further notice or formal proceeding, issue and enter the following Order:

11
12 **ORDER**

13
14 IT IS HEREBY ORDERED that the surrender of Certified Public Accountant Certificate
15 Number CPA 14338, issued to Respondent Roland William Carroll, Jr., is accepted by the
16 California Board of Accountancy.

17 1. Respondent Carroll shall lose all rights and privileges as a Certified Public
18 Accountant in California as of the effective date of the Board's Decision and Order, and his
19 license will be canceled.

20 2. Respondent Carroll understands and agrees that if he ever applies for licensure or
21 petitions for reinstatement in the State of California, the Board shall treat it as a new application
22 for licensure. Respondent must comply with all the laws, regulations and procedures for
23 licensure in effect at the time the application or petition is filed, and all of the charges and
24 allegations contained in the Accusation as they relate to him (Case No. AC-2005-20) shall be
25 deemed to be true, correct, and admitted by Respondent when the Board determines whether to
26 grant or deny the application or petition.

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28 \\\

ACCEPTANCE

I have carefully read the above Stipulated Surrender and Order and have fully discussed it with my attorney, Matthew W. Powell. I understand the stipulation and the effect it will have on my CPA Certificate. I enter into this Stipulated Surrender and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the California Board of Accountancy.

DATED: March 10, 2005.

Roland William Carroll Jr.
ROLAND WILLIAM ("BILL") CARROLL, JR.
Respondent

I have read and fully discussed with Respondent Roland William ("Bill") Carroll, Jr., the terms and conditions and other matters contained in the above Stipulated Surrender and Order. I approve its form and content.

DATED: _____, 2005.

MATTHEW W. POWELL
Wilke, Fleury, Hoffelt, Gould & Birney LLP
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender and Order is hereby respectfully submitted for consideration by the California Board of Accountancy of the Department of Consumer Affairs.

DATED: March 10, 2005.

BILL LOCKYER, Attorney General
of the State of California

Jeanne C. Werner
JEANNE C. WERNER
Deputy Attorney General

Attorneys for Complainant

DOJ Docket/Mailor ID Number: SP2004900318

Stipulation Carroll (KPMG) AC2005-108P2005900005

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ACCEPTANCE


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DATED: _____, 2005.

ROLAND WILLIAM ("BILL") CARROLL, JR.
Respondent

I have read and fully discussed with Respondent Roland William ("Bill") Carroll, Jr., the terms and conditions and other matters contained in the above Stipulated Surrender and Order. I approve its form and content.

DATED: MARCH 10, 2005.

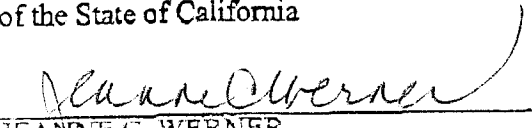

MATTHEW W. POWELL
Wilke, Fleury, Hoffelt, Gould & Birney LLP
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender and Order is hereby respectfully submitted for consideration by the California Board of Accountancy of the Department of Consumer Affairs.

DATED: March 10, 2005.

BILL LOCKYER, Attorney General
of the State of California


JEANNE C. WERNER
Deputy Attorney General

Attorneys for Complainant

DOI Docket/Matter ID Number: SF2004900318

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